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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,202	10/30/2003	Michael J. Tsecouras	TI-35523	2202

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EXAMINER

CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
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2611

NOTIFICATION DATE	DELIVERY MODE
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07/10/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com
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Office Action Summary

Application No.

10/697,202

Applicant(s)

TSECOURAS, MICHAEL J.

Examiner

Jean B. Corrielus

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 8, 12, 14, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 8, 12, 14, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/8/04 and 5/25/07 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 7, 8, 12, 14, 19 and 20 is withdrawn in view of the newly discovered reference(s) to Subramanian US patent No. 6,611,570.

Rejections based on the newly cited reference(s) follow.

Drawings

2. The drawings are objected to because the drawing quality is poor and therefore needs to be resubmitted. In addition, each label "figure" should be replaced by "FIG." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Drawings

3. The drawings were received on 4/8/04 and 5/25/07. These drawings are not acceptable because it is not in accordance with MPEP 714(d) which requires that each amended drawing sheet be labeled as "replacement sheet".

Double Patenting

4. Applicant's response has overcome the statutory double patenting rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 12, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al US Patent No. 6,490,001 in view of Subramanian US patent No. 6,611,570.

As per claim 7, Shintani discloses a method and apparatus figs. 1-3 comprising: a controller circuit 31; a user interface 32 connected to the controller circuit 31 that provides user input to the controller 31 which indicates the user's selection of an RF

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channel see col. 8, lines 29-32 and 50-57; a RF tuner 12; and a programmable filter 223 that receives a signal from the RF tuner 12 and filter program settings from the controller 31 and then filters the signal from the RF tuner 12 based on the filter program settings received from the controller 31; wherein the program settings for the programmable filter 223 determined by the controller depend on the RF channel selected by the user see fig. 3A. However, Shintani does not teach the program settings of the programmable filter are determined by characterizing the noise of the circuit in operation in each RF band. Subramanian teaches program settings of the programmable filter 30 are determined by characterizing the noise of the channel in operation in a RF band see col. 4, lines 10-12. Given such a teaching, one skill in the art would have been motivated to determine the program settings of the programmable filter by characterizing the noise of the circuit in operation in each RF band in order to effectively undue the effect of such interference because any interference if remains uncompensated for would affect quality and reconstruction of the original signal.

As per claim 8, the claim includes similar limitations as claim 7 except for the limitation "and RF channel". Therefore, the same analysis applies to claim 7 equally applies to claim 8. In addition, it would have been obvious to one skill in the art to determine the settings of the filter by characterizing noise and the RF channel and the reasons to do so would have been the same as provided above with respect to claim 7.

As per claim 12, see claim 7. In addition Shintani et al fails to teach that the filter is a programmable switched capacitor filter. However, it is well known in the art to implement a filter as a switched capacitor filter. Given that fact, it would have been

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obvious to one skill in the art to implement the digital filter as a programmable switched capacitor filter in order to take advantage of its enhanced technological features.

As per claim 14, see claim 8. In addition Shintani et al fails to teach that the filter is a programmable switched capacitor filter. However, it is well known in the art to implement a filter as a switched capacitor filter. Given that fact, it would have been obvious to one skill in the art to implement the digital filter as a programmable switched capacitor filter in order to take advantage of its enhanced technological features.

As per claim 19, see claim 7. In addition, Shintani teaches that the filter 223 is part of a DSP 22 see fig. 2.


As per claim 20, see claim 8. In addition, Shintani teaches that the filter 223 is part of a DSP 22 see fig. 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean B Cornelius
Primary Examiner
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